

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRUCE CORKER d/b/a RANCHO ALOHA, *et al.*,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION, *et al.*,

Defendants.

No. 2:19-cv-00290-RSL

**STIPULATION AND ORDER
REGARDING CERTAIN
DEFENDANTS' ANSWERS TO
PLAINTIFFS' THIRD
AMENDED COMPLAINT
[Dkt. 381]**

STIPULATION

Pursuant to LCR 10(g), the parties to the above-captioned matter hereby make the following stipulation regarding MNS Ltd. ("MNS"), Sprouts Farmers Market, Inc. ("Sprouts"), and Certain Defendants' Answers to Plaintiffs' Third Amended Complaint [Dkt. 381].¹

1. Plaintiffs filed their Third Amended Complaint on January 8, 2021 [Dkt. 381].

2. The Third Amended Complaint adds Smithfarms, LLC as a Plaintiff and Kevin Kihnke as a Defendant. The only substantively amended paragraphs contain allegations concerning Smithfarms, LLC and Kevin Kihnke. *See* Dkt. 345-1, Exhibit A. The paragraph numbering and all other allegations remain substantively identical to the Second Amended Complaint [Dkt. 81].

¹ "Certain Defendants" as used herein refers to Costco Wholesale Corporation; Gold Coffee Roasters, Inc.; The Kroger Co.; Albertson's Companies Inc.; Safeway Inc.; Walmart, Inc.; The TJX Companies d/b/a T.J. Maxx; Marshalls of MA, Inc. d/b/a Marshalls; Amazon.Com, Inc.; Bed Bath & Beyond Inc.; Costa Rican Gold Coffee Co., Inc., and Hawaiian Isles Coffee Company, Ltd.

3. The new amendments do not require any defendants other than L&K Coffee Co. LLC and Kevin Kihnke to substantively alter or amend their responses.

4. Instead, MNS and Sprouts minimally change their previously filed Answer to the First Amended Complaint as follows:

- Answer to new Paragraph 12: Defendant lacks sufficient information to admit or deny the allegations in Paragraph 12, and therefore denies the same.
- All Answers after paragraph 12 will correspond with the original Paragraph numbering plus one. For example, a Defendant's response to Paragraph 23 of the First Amended Complaint now answers Paragraph 24 in the Third Amended Complaint.

5. Additionally, Certain Defendants minimally change their previously filed Answer to the First Amended Complaint as follows:

- Paragraph 12 and Certain Defendants' Answer thereto is renumbered to Paragraph 13.
- A new Paragraph 12 is inserted as follows:

12. On information and belief, KEVIN KIHNKE ("Kihnke") is an individual that resides in Grand Rapids, Michigan. Kihnke is owner and president of L&K and is the primary decision-maker for the package design of L&K's coffee products, including coffee products that have been falsely designated as originating from "Kona." Kihnke is also solely responsible for determining the percentage of Kona coffee included in L&K's "Kona" coffee products.

ANSWER: [Defendant] lacks sufficient information to admit or deny the allegations in Paragraph 12, and therefore denies the same.

- All Answers after new Paragraph 12 will correspond with the original paragraph numbering plus one. For example, a Defendant's response to Paragraph 23 of

1 the First Amended Complaint now answers Paragraph 24 in the Third Amended
2 Complaint.

3 5. The parties accordingly stipulate that no defendant other than L&K Coffee Co.
4 LLC and Kevin Kihnke needs to answer the Third Amended Complaint. The previously filed
5 Answers to the First Amended Complaint, along with the subsequent stipulation regarding
6 affirmative defenses [Dkt. 190], and subject to the Court's Order Striking Affirmative Defenses
7 [Dkt. 230] and the above specifications, will be treated as Answers to the Third Amended
8 Complaint.

1 Dated: January 22, 2021

2 Respectfully submitted,

3
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6 *Corporation,; Gold Coffee Roasters, Inc.;*
7 *The Kroger Co.; Albertson's Companies*
8 *Inc.; Safeway Inc.; Walmart, Inc.; The TJX*
9 *Companies d/b/a T.J. Maxx; Marshalls of*
10 *MA, Inc. d/b/a Marshalls; Amazon.Com,*
11 *Inc.; Bed Bath & Beyond Inc.; and Costa*
12 *Rican Gold Coffee Co., Inc.*

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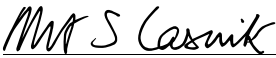
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22 **ORDER**

23 IT IS SO ORDERED.

24 Dated this 25th day of January, 2021.

25 
26 Robert S. Lasnik
27 United States District Judge